
**Health Care & Wellness
Committee**

HB 1100

Brief Description: Requiring background checks for health care providers.

Sponsors: Representatives Campbell, Morrell, McCune, Green, Conway, Lantz, Chase, Ormsby, Schual-Berke, Cody, O'Brien, Hudgins, Kenney, Rolfes, Kelley, Moeller and Wallace.

Brief Summary of Bill

- Requires the Department of Health to conduct background checks on all applicants for an initial credential to practice a health profession and to review a representative sample of those individuals previously checked.

Hearing Date: 1/22/07

Staff: Chris Blake (786-7392).

Background:

In 2000, the Department of Health (Department) and the Department of Social and Health Services released a report on the issue of using criminal background checks as a requirement for obtaining a credential to practice as a health care provider. The report recommended that the Department conduct in-state background checks on new applicants for health care credentials. The Department began conducting background checks on new applicants in 2001. During the 2001-03 biennium, it conducted 85,028 background checks. Four percent of these individuals had criminal convictions in Washington.

Last year, the Department began checking applicants for professional credentials in two federal databases, the National Practitioner Data Bank (NPDB) and the Health Care Integrity Protection Databank (HIPDB), which store information related to actions against health care providers. The NPDB collects information on adverse actions (actions against a license, clinical privileges, professional society membership, participation in Medicaid or Medicare) against health care practitioners as reported by licensing agencies, health care facilities, professional societies, and

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medical malpractice payers. The HIPDB collects information on final adverse actions against health care practitioners including civil judgments, criminal convictions, and licensing actions.

In 2004, the Legislature created the Joint Task Force on Criminal Background Check Processes (Task Force). The Task Force issued its final report in January 2007. Among the recommendations of the Task Force was to create a workgroup to ensure seamless access to information for all background checks for noncriminal purposes, such as licensing functions by government agencies.

Summary of Bill:

Applicants for an initial credential to practice a health profession must receive a background check from the Washington State Patrol (WSP) prior to receiving the credential. The Department of Health (Department) must specify those circumstances in which a state background check is inadequate and an electronic fingerprint-based national background check through the WSP and the Federal Bureau of Investigations must be conducted. Such situations include cases in which an applicant has a criminal record in Washington or has recently lived out-of-state. The Department must conduct an annual review of a representative sample of health care providers who have previously received a background check.

Credentialed health care providers are required to report any arrests, convictions, and other determinations by law enforcement agencies to the appropriate disciplinary authority and to their employer pursuant to Department rules.

When making license issuance determinations, the disciplining authority must consider the results of any background checks that reveal either a conviction for a crime that constitutes unprofessional conduct or a series of arrests that demonstrate a pattern of behavior that may present a risk of harm to the public. The disciplining authority shall take disciplinary action against a health care provider when information received from a review of previously checked providers reveals a failure to report required information about arrests, convictions, or other determinations to the Department.

The Department's biennial disciplinary report to the Legislature must include data related to the Department's background check activities and their effectiveness.

Appropriation: None.

Fiscal Note: Requested on January 17, 2007.

Effective Date: The bill takes effect January 1, 2008.